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*Kevin L. Smith*  
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tax court

ATTORNEYS FOR APPELLEE:

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**IN THE  
COURT OF APPEALS OF INDIANA**

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Appellee-Plaintiff.

**May 5, 2008**

**ROBB, Judge**

### Case Summary and Issue

Following a jury trial, Stephen Reed was convicted of receiving stolen property, a Class D felony. Reed appeals, contending there is insufficient evidence to support his conviction. Concluding that the evidence is sufficient to support his conviction, we affirm.

### Facts and Procedural History

Testimony at Reed's trial indicated that Robert Krinn's home was burglarized in October 2005 and his extensive coin collection was stolen. Reed was best friends with Krinn's grandson, David, and had been to Krinn's home shortly before the burglary. Reed subsequently sold several coins to a local coin dealer, and later, returned to try to sell more. The dealer, knowing that Krinn's coin collection had been stolen because of their twenty-five year business relationship, became suspicious that this second group of coins might have been stolen from Krinn. The coins were housed in the kind of book that Krinn used and that had not been available for sale since the early 1980s. The dealer declined to buy the coins. Several days later, Reed had the coins at his uncle's house and told his uncle that his friend had inherited them from his grandfather. Reed later told his uncle's roommate that Reed had bought the coins from his friend's grandfather. Several months later, the roommate found a bag of coins in a cabinet in his utility shed that he recognized as some of the coins Reed had previously had at the house. Finally, David testified that when confronted, Reed admitted he had taken the coins and offered David \$150.00 to keep the secret.

## Discussion and Decision

### A. Standard of Review

In reviewing sufficiency of the evidence claims:

[we] must consider only the probative evidence and reasonable inferences supporting the verdict. It is the fact-finder's role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. To preserve this structure, when appellate courts are confronted with conflicting evidence, they must consider it most favorably to the trial court's ruling. Appellate courts affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence. [T]he evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.

Drane v. State, 867 N.E.2d 144, 146-47 (Ind. 2007) (citations and quotations omitted)

(emphasis in original).

### B. Receiving Stolen Property

To sustain a conviction for Class D felony receiving stolen property, the State was required to prove beyond a reasonable doubt that Reed knowingly or intentionally received, retained, or disposed of another's property that had been the subject of a theft. Ind. Code § 35-43-4-2(b). In order to sustain a conviction for receiving stolen property, the State must prove that the defendant knew the property was stolen. Shultz v. State, 742 N.E.2d 961, 966 (Ind. Ct. App. 2001), trans. denied. "Knowledge that property is stolen may be inferred from the circumstances surrounding the possession." Bennett v. State, 787 N.E.2d 938, 946 (Ind. Ct. App. 2003), trans. denied. Possession of recently stolen property, when joined with attempts at concealment, evasive or false statements, or an unusual manner of acquisition,

may be sufficient evidence of knowledge that the property was stolen. Gibson v. State, 643 N.E.2d 885, 888 (Ind. 1994).

The State's evidence about the circumstances under which Reed possessed Krinn's coin collection are sufficient for the jury to infer that Reed knew the coins were stolen.<sup>1</sup> Reed was in possession of recently stolen property; he told two different and untrue stories about how he came to have the coins; and when he was unable to sell the coins, he apparently tried to hide them in a little-used cabinet in a backyard shed. Reed's argument amounts to an invitation to reweigh the evidence, which we will not do. See McHenry v. State, 820 N.E.2d 124, 126 (Ind. 2005).

### Conclusion

The evidence is sufficient to support Reed's conviction for receiving stolen property.

Affirmed.

BAKER, C.J., and RILEY, J., concur.

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<sup>1</sup> Reed notes that he was also charged with burglary for the theft of the coins from Krinn's home, but the jury found him not guilty of that charge despite testimony from David and from Reed's cellmate that Reed admitted to stealing the coins. That the jury did not believe the evidence implicating Reed was sufficient to prove he committed the burglary and stole the coins himself does not diminish the fact that there is sufficient evidence supporting his knowledge that the coins were stolen while they were in his possession.